

BEFORE THE COURT is the parties' "Stipulated Protective Order and Confidentiality Agreement" (Ct. Rec. 4).

The court has developed concerns about entering protective orders that may result in the sealing of materials which do not justify that protection. Counsel represent that material disclosed in the course of this lawsuit may include confidential and proprietary information such as trade secrets, confidential research, development, or commercial information. Accepting that representation as true, to the extent either party concludes it is necessary to provide the court copies of any such materials to be considered in connection with issues coming before the court, such documents will be filed separately under seal with a courtesy copy

ORDER RE STIPULATED PROTECTIVE ORDER
AND CONFIDENTIALITY AGREEMENT - 1

1 sent to chambers. Otherwise, the court will not consider itself a
2 party to the agreement negotiated by the parties¹.

3 **IT IS SO ORDERED.** The District Court Executive is directed
4 to forward copies of this Order to counsel for the parties.

5 DATED this 9th day of March, 2007.

6 *s/Lonny R. Sukko*
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8 LONNY R. SUKO
United States District Judge
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25 ¹Fed. R. Civ. P.26(c) provides for entry of a protective
26 order in circumstances where the parties dispute that certain
27 material is confidential, or if they agree it is confidential,
28 cannot agree how it should be used in the litigation.